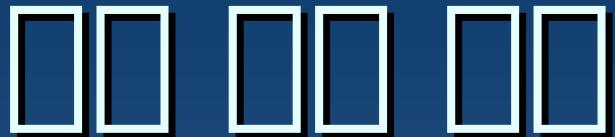


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**CPT Graham Smith
Administrative Law Attorney
Area III**



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(The Joint Ethics Regulation (JER), DoD 5500.7-R.)
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□□□ (CODE OF ETHICS)

PRINCIPLES OF ETHICAL CONDUCT

1. Public Service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
4. An employee shall not, except as [provided for by regulation], solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
5. Employees shall put forth honest effort in the performance of their duties.
6. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
7. Employees shall not use public office for private gain.
8. Employees shall act impartially and not give preferential treatment to any private organization or individual.
9. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
12. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those--such as Federal, State, or local taxes--that are imposed by law.
13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

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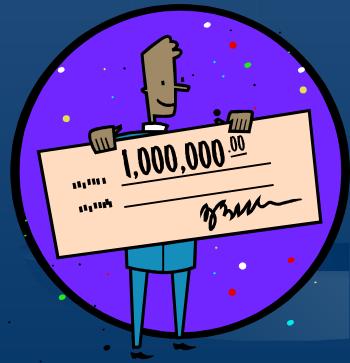


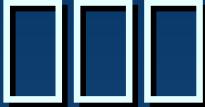


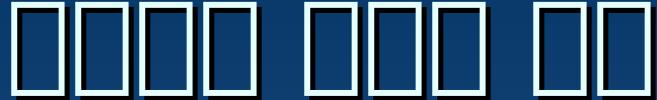
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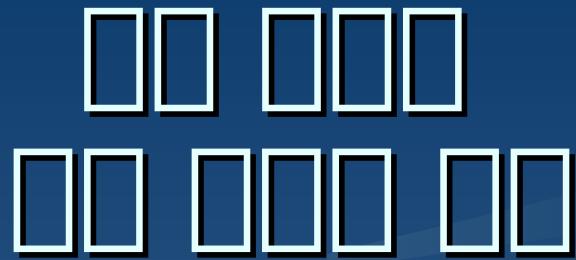




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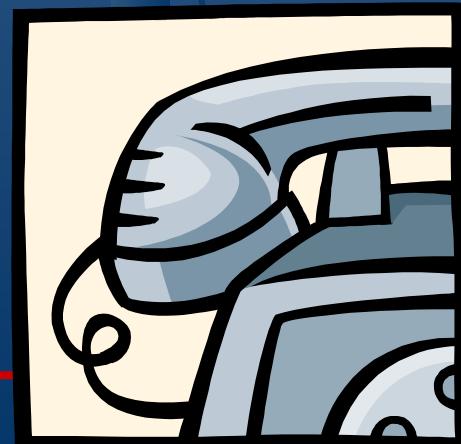


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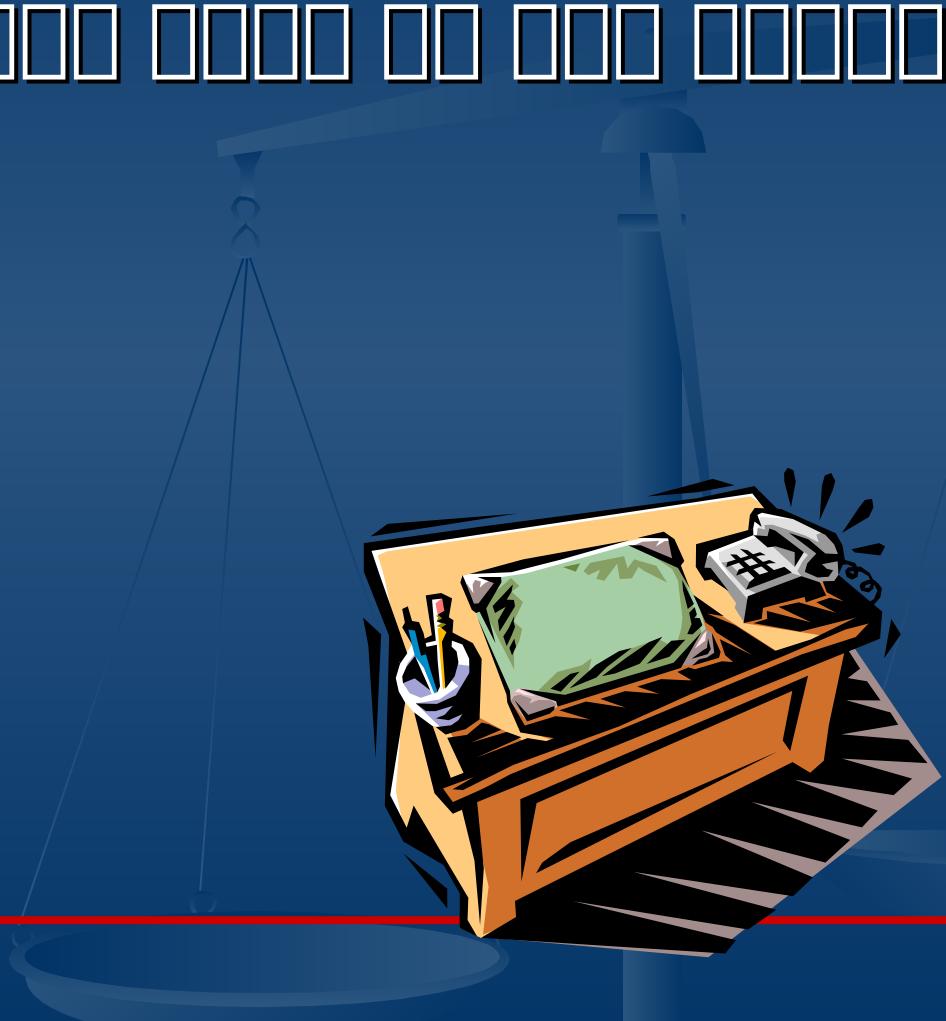
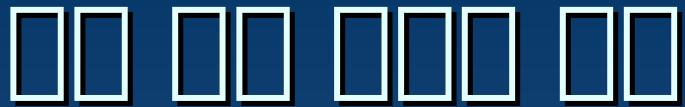


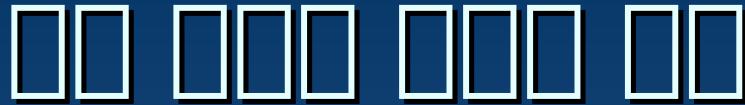
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FAMILY READINESS GROUPS



FAMILY READINESS GROUPS

- Family Readiness Groups (FRGs) are official “command sponsored” Army programs
- Primary purposes of FRGs:
 - Disseminate information
 - Ensure personal and family readiness
 - Provide mutual support and assistance
- Formerly known as Family Support Groups (FSGs)

OFFICIAL SUPPORT FOR FRGs & FUNDRAISING



- Appropriated funds are authorized for FRG mission activities
- Government office space and equipment may be used for FRG mission activities
- FRGs have limited fundraising authority
- FRGs may create informal funds
- Members of FRGs may only fundraise for informal funds among their own members

OFFICIAL AND PERSONAL PARTICIPATION IN PRIVATE ORGANIZATIONS



OFFICIAL PARTICIPATION IN POs or NFEs

3 Topics:

1. Official Management
2. Attendance in an Official Capacity
3. Providing Speakers & Panel Members



OFFICIAL PARTICIPATION IN POs or NFEs

1. Official Management -- **PROHIBITED**
Exception: Service Secretary and DoD General Counsel authorization.
2. Attendance in an Official Capacity
Supervisor determination. Requires a **legitimate Government purpose.**
3. Providing Speakers & Panel Members
May be authorized. Contact your ethics counselor.

OFFICIAL ENDORSEMENTS

- Endorsement of a private organization event, product, service **MAY NOT** be stated or implied by soldiers or DA civilians in their official capacities

Exceptions to Endorsements:



- CFC
- AER
- Disaster Appeals approved by OPM, and
- Organizations consisting of Army / DoD employees/dependents when conducting internal fundraising for informal funds when approved by the Commander

PERSONAL PARTICIPATION IN PRIVATE ORGANIZATIONS



PERSONAL PARTICIPATION

- May join, participate in, or hold office in POs or NFEs in their personal capacities, but when participating in POs or NFEs, Soldiers and Army civilians must act **exclusively** outside the scope of their official positions.
- MAY **NOT** use official titles/positions/organization names in connection with PO or NFE activities

Exception: May use grade and military department as part of the name (e.g., Major Smith, U.S. Army).

NO MEMBERSHIP OR POSITION IF OFFERED DUE TO OFFICIAL POSITION

- Membership or position in a PO may **not** be accepted if it was offered because of an employee's official position



NO SOLICITATION



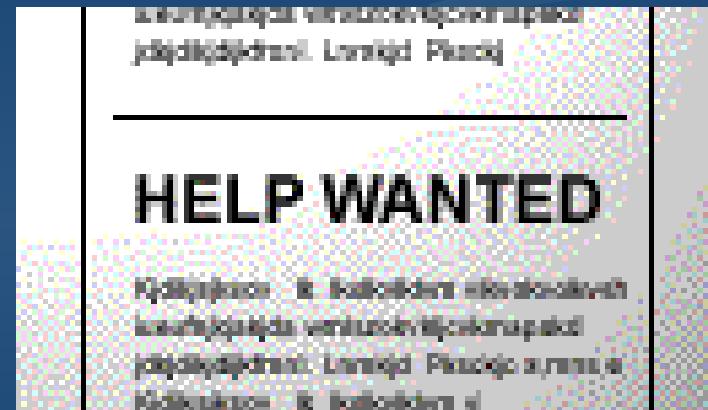
- **May not solicit subordinates or prohibited sources (e.g. contractors) in PO fundraising campaigns or membership drives**
- **May not permit the use of their names in a PO solicitation that targets subordinates or prohibited sources**

CONFLICTS OF INTEREST PROHIBITED

- An employee who is an officer, director, or employee of a PO may **not** participate in official DOD matters involving the organization.
- Employees may **not** represent a PO to the Government.

Exception: uncompensated representation for certain nonprofit professional, recreational, and similar organizations. Check with EC.

Seeking Employment



Applicable



- Procurement Integrity Act
- 18 U.S.C. Section 208
- Joint Ethics Regulation
- Standards of Ethical Conduct for Executive Branch Employees

Seeking Employment Procurement Integrity Act

- Participating personally and substantially
- Competitive procurement
- Valued in excess of simplified threshold (currently \$100,000)
- You contact or are contracted by a bidder or offeror in the procurement

YOU MUST:

Requirements

- Promptly report the contact in writing to:
 - Your supervisor and
 - Ethics Counselor

And
- Reject the offer, *or*
- Disqualify yourself from further involvement in the procurement

Seeking Employment

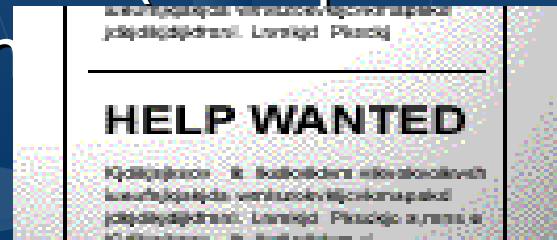
Conflicts of Interest

- You may **not** take any official action that affects a company with which you are negotiating for employment or have an arrangement concerning prospective employment
- JER 5-301 applies to National Guard and enlisted personnel

*18 U.S.C. § 208
5 C.F.R. § 2635.402*

“Seeking Employment”

- 5 C.F.R.2635.603(b)
- You are “seeking employment” when you:
 - engage in negotiations
 - make unsolicited employment contact
 - includes sending resume
 - excludes requesting job application
 - respond to unsolicited proposal (except uncondition



Termination of Seeking Employment

You are no longer “seeking employment” when:

- either party rejects proposal and discussions have terminated, or
- two months have passed after mailing resume and no resp



Disqualification

To avoid violation:

- Take no action
- Written notice to supervisor (JER 2-204)
- Supervisor response:
 - Written
 - Recusal
 - Copy to Ethics Counselor & subordinates



RESTRICTIONS ON MILITARY PERSONNEL

- Employment with and/or compensation from foreign government
 - Must get approval from Service Secretary
- No civil office while on transition (formerly terminal) leave
- 6-month waiting period before working for DoD
 - This restriction is suspended indefinitely
- Permissive TDY issues



Post-Government Employment



Post-Government Employment Restrictions

Representational Restrictions

18 U.S.C. § 207

Prohibits representing another before U.S. Government with intent to influence

- Lifetime ban
- 2-year ban
- 1-year cooling-off period for senior employees
- 1-year ban on senior employees representing foreign entities

Lifetime Ban

- 18 U.S.C. § 207(a)(1)
- **May not:**
 - Communicate/appear on behalf of another
 - With “intent to influence”
 - Regarding a “particular matter”
 - Involving specific parties
 - Where participated “personally and substantially” as Federal employee
 - Behind-the-scenes assistance permitted

Definitions

- **“Particular matter”** -- includes a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, or investigation. Generally, does not include rulemaking, formulation of general policy, standards or objectives, or other matters of general application.
- **“Intent to influence”** -- seeking some discretionary action, ruling, benefit, or approval. Does not include purely social contacts or requesting publicly available information.

Definitions (Continued)

- Participate “personally and substantially” -- to participate directly and significantly by decision, approval, recommendation, rendering of advice or investigation. Includes actions of a subordinate if actually directed by the former employee.

2-Year Ban

- 18 U.S.C. § 207(a)(2). May not, within 2 years of termination of Government service
 - Communicate/appear on behalf of another
 - With “intent to influence”
 - Regarding a “particular matter”
 - Involving specific parties
 - Under “**official responsibility**” during last year of Government service
- Behind-the-scenes assistance permitted

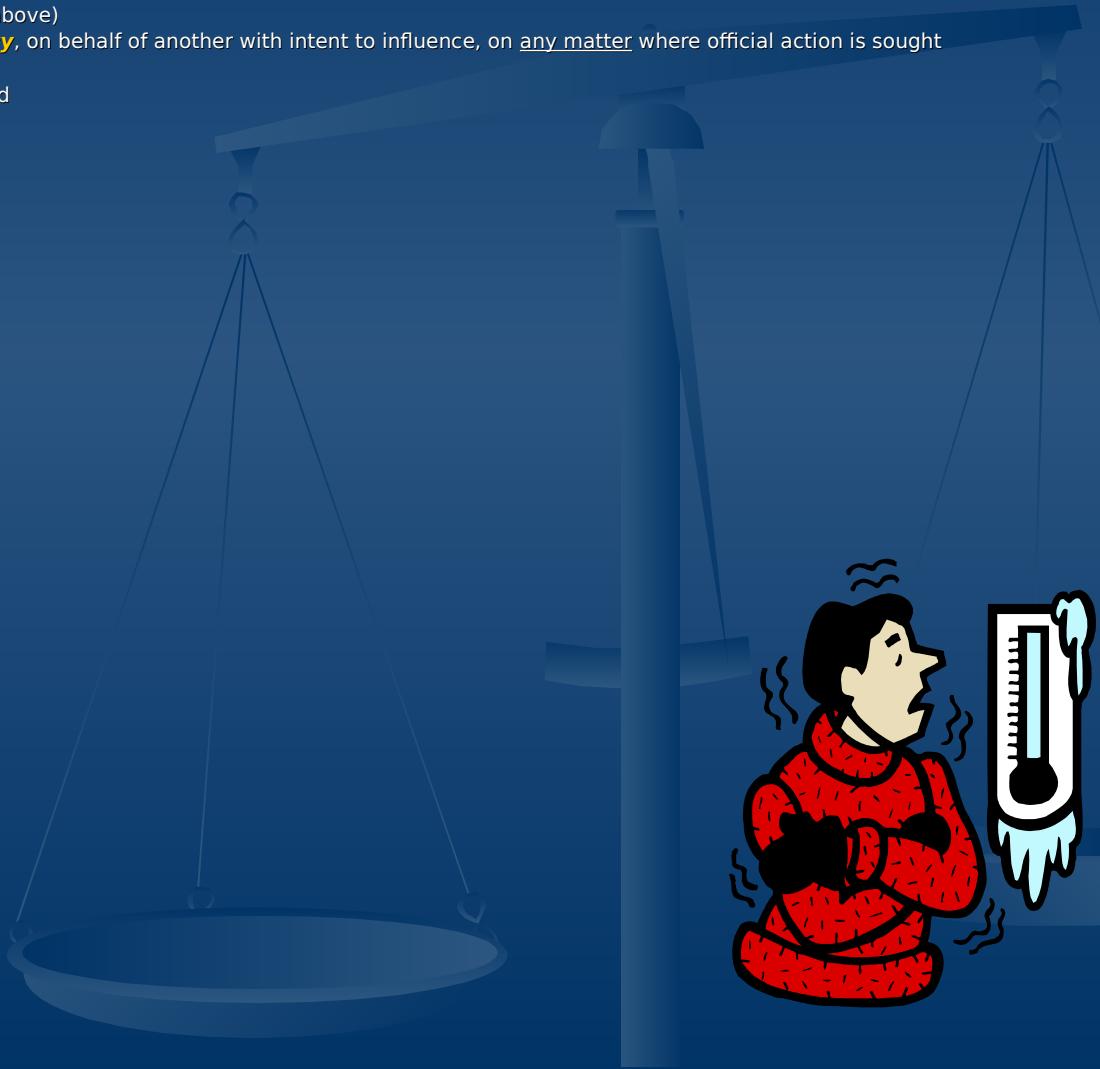
Definitions

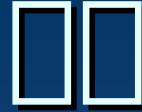
“Official responsibility” -- direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action.

1-Year Cooling-Off Period

18 U.S.C. § 207(c)

- Applies to former senior employees(O-7 and SES Level 5 and above)
- Prohibits communication or appearance before **former agency**, on behalf of another with intent to influence, on any matter where official action is sought
- Behind-the-scenes assistance permitted
- Communications to other DoD components permitted





- **Play it safe - ask your ethics counselor **BEFORE** taking any action.**
 - OJA, UNC/USFK/EUSA, Administrative Law Division (Attention: Ethics Counselor)
 - DSN 315-723-6631/7092
- DoD Standard of Conduct Office (SOCO):
http://www.dod.mil/dodgc/defense_ethics

